

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JAMES EDWARD DRAYTON,

Plaintiff,

v.

MIKE HOWARD, DR. LIFT,

Defendants

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**Civil Action
No. 5:08-cv-251 (CAR)**

**ORDER ON RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This case is before the Court on the Recommendation of the United States Magistrate Judge, who recommends that Defendants' Motion to Dismiss be granted. Plaintiff has not entered any objection to the Recommendation. Upon review of the Complaint and the arguments of the parties, the Court agrees with the findings of the Magistrate Judge.

Plaintiff's Complaint states, at most, a claim of medical malpractice, which is not actionable under 42 U.S.C. § 1983. Plaintiff alleges that Defendant Howard negligently performed an unsuccessful surgery on his wrist to remedy his carpal tunnel syndrome, and that Defendant Lift provided inadequate post-surgical care. The Complaint does not set forth facts that could support a finding of deliberate

indifference to serious medical needs in violation of the Eighth Amendment.

Accordingly, the Recommendation (Doc. 16) is hereby **ADOPTED AND MADE THE ORDER OF THE COURT**. For the reasons set forth therein, Defendants' Motion to Dismiss (Doc. 10) is **GRANTED**. The Clerk of Court is directed to enter judgment in favor of Defendants Howard and Lift.

It is SO ORDERED this 20th day of August, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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